

**These minutes are a summary of the discussion. The audible recording is available at the following website: <http://bit.ly/T3S7CB>**

Planning & Zoning Commission Meeting  
Minutes of September 4, 2013  
1st Floor North Conference Room - City Hall

**Present:** Chairman Nathaniel Cannady, Kristy Carter, Jim Edmonds and Jane Gianvito Mathews

**Absent:** Vice-Chairman Jeremy Goldstein; Joe Minicozzi and Holly P. Shriner

**Pre-Meeting - 4:30 p.m.**

The Commission began the pre-meeting discussing the procedures for the subdivision modification and the conditional zoning amendment requests. They also discussed the upcoming special meeting on October 15.

**Regular Meeting - 5:00 p.m.**

Chairman Cannady called the meeting to order at 5:00 p.m. and informed the audience of the public hearing process.

**Administrative**

- ? Ms. Mathews moved to approve the minutes of the August 7, 2013, meeting, with minor typographical errors. This motion was seconded by Ms. Carter and carried unanimously by a 4-0 vote.
- ? Ms. Carter moved to continue the request for a conditional zoning for 291 East Chestnut Street to November 6, 2013. This motion was seconded by Ms. Mathews and carried unanimously on a 4-0 vote.
- ? Ms. Carter moved to continue an appeal of a minor subdivision located at 93 Caledonia Road and 129 Caledonia Road to November 6, 2013. This motion was seconded by Ms. Mathews and carried unanimously on a 4-0 vote.
- ? It was the consensus of the Committee to delay their discussion on the Caledonia & Finalee zoning because City Council will be discussing that item on their September 10, 2013, agenda.

**Agenda Items**

- (1) A request for a Subdivision Modification to the width of the pavement and right-of-way on a street extension to allow for the creation of a residential lot. The property is located on East Indiana Avenue. The owners are John Kiser and Jesse Kirby and the contact is Mark Freeman. The property is identified in the Buncombe County tax records as PIN 9638.72-1433. Planner coordinating review – Jessica Bernstein**

Urban Planner Jessica Bernstein oriented the Commissioners to the site location and said that this is a request to modify subdivision standards found in the Standards & Specifications Manual pertaining to road width in order to create a new residential lot for development.

The subject property, as well as surrounding parcels, is zoned RM-8. The applicant is proposing to split an existing L-shaped lot that has frontage on both East Indiana Avenue and Francis Street. The subdivision would result in two separate lots: B1 and B2. The developable lot is B2, which is 7,328 square feet in area and has adequate frontage along Francis Street. Lot B1

is 7,936 square feet and has an existing structure that will remain. Compliance with all setbacks is demonstrated; however there is inadequate frontage along East Indiana Avenue.

This zoning district requires that all newly created lots have 50 feet of road frontage. East Indiana Avenue dead-ends midway through the frontage of the proposed parcel, providing approximately 26 linear feet of frontage. The applicant is proposing to extend the roadway an additional 23.49 feet to create the required 50 feet of frontage.

The existing conditions of East Indiana Avenue appear to provide 20 feet of right-of-way and around 16-19 feet of pavement. City standards for new roads require 50 feet of right-of-way and 22 feet of pavement. In order to legally create lot B1, the applicant is requesting to maintain the current conditions, which technically is a reduction of between 3-6 feet of pavement and 30 feet of right-of-way width from the City's standard but would extend the existing configuration.

Staff is supportive of this request to maintain the current conditions for the new segment of roadway to create a separate residential single-family lot.

Chairman Cannady opened the public hearing at 5:07 p.m.

Ms. Clark, resident on Francis Street, asked about the number of houses the developer is planning to build since it is a small neighborhood which has been experiencing a lot of growth over the last few years. Ms. Bernstein responded that the developer is proposing one single-family home.

Chairman Cannady closed the public hearing at 5:09 p.m.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Ms. Carter moved to approve the subdivision modification on East Indiana Avenue to the width of the pavement and right-of-way on a street extension to allow for the creation of a residential lot. This motion was seconded by Mr. Edmonds and carried unanimously by a 4-0 vote.

- (2) Review of an amendment to the Conditional Zoning for the project identified as Carefree Asheville located at 1903 Hendersonville Road, to include a change in housing type and building footprints; a change in the internal road network; and an increase in the number of residential units, including modifications for setback and height. The owner is Asheville Savings Bank, the developer is Evolve Development, LLC and the contact is Barret Hagen, PE. The property is identified in the Buncombe County tax records as PIN 9655-14-3460. Planner coordinating review – Julia Fields.**

Urban Planner Julia Fields oriented the Commissioners to the site location and said that the subject property, 12.21 acres, is located within the city limits, off of Hendersonville Road, just south of Walden Ridge Road. The property currently contains a vacant single-family home and the infrastructure for what was designed to be an office/residential subdivision. Properties to the north contain office buildings and those to the east (along Hendersonville Road) contain commercial operations. To the west and south are single family homes although the zoning to the south is largely Office Business.

The property in question was approved for a residential and office subdivision in 2006. Significant grading and infrastructure development took place based on that approval. Most utilities were installed and curbing and roadway construction was largely completed. The project was abandoned in 2007 and the property placed on the market.

In 2008, another developer submitted to the City a proposal for a 144 unit residential community and received conditional zoning approval for the site (to RM16/CZ). This development also was never pursued post-approval. This proposal was for a mix of single-family, duplex, quadruplex, townhouse, and multi-family dwellings with a proposed residential density of 11.8 units per acre. Modifications for height and setbacks were granted along with a variance for grading (steep slope regulations).

A new developer, Evolve, LLC proposes to develop the property with five additional units (149 – 12.2 units/acre) and with revisions to the type and location of the dwelling units. This concept uses only multi-family units, which will reduce overall imperviousness on the site. The request is for an amendment to the previous conditional zoning approval to adopt the new concept.

The proposal for the community is a mix of one, two, and three bedroom apartments in six buildings with a clubhouse/pool amenity. Access will still be via the main drive off of Hendersonville Road. The previously approved secondary exit road will be removed as the buildings will have sprinkler systems. While much of the rest of the existing road system will be retained, the developer is planning to remove the cul-de-sacs at the western end of the property to better work with the slopes found in that area in the siting of one apartment building and parking. They plan to restore these areas that will be demolished to a natural state or design them to be utilized as open space amenities by the residents of the community. There is an existing home on the property that will be removed once construction begins.

The property is in an area protected under the City's steep slope regulations. The easternmost 6.36 acres is in Zone A of the regulations; the western 5.85 acres are in Zone B. Under the regulations, the allowable number of units in the Zone A portion is 85. In the Zone B portion, the allowable number of units is 24. The developer is proposing 24 units in Zone B in one building. The developer is proposing 125 units in Zone A (five buildings) for a total of 149 units.

They are requesting retention of the previously allowed development standard bonus to allow the additional 40 units (total is 137% of the base density allowed). Although this bonus provision is no longer in our ordinance, this can be extended to the amended development if the proposal meets the intent for such a bonus. Development bonus standards allow multi-family projects with less than 20% of the housing being affordable (per City standards) to have a maximum density of 150% of the allowed base density. The developer is proposing that 5% (7 units) be affordable. They have also provided a plan in their submittal which outlines other features that support the development bonus. These include:

- ? The preservation of mature natural woodlands (23% of site).
- ? The promotion of a socially interactive community through development of such amenities as a clubhouse/pool, walking trail, dog park, and tot lot.
- ? The establishment of community raised gardens for the residents.
- ? Open space exceeding City standards (over 40,000 square feet additional).

The applicant is also committed to green/sustainable building practices including:

- ? Using high-efficiency fixtures and fittings above code required minimums.
- ? Use of Energy Star rated appliances.
- ? Use of HVAC units with SEER ratings higher than code required minimums.
- ? Using insulation values greater than required minimums.
- ? Using low VOC floor finishes and paints.

The applicant is seeking modifications to the height of building #300. The allowable height is 40 feet. The proposed elevation is 41'2 ¼". The needed modification is 1'2 ¼". They are also requesting modifications to the side setbacks as follows:

- ? North – a 25 foot modification from the required 40 foot setback. 15 feet provided.
- ? South – a 25 foot modification from the required 40 foot setback. 15 feet provided.

Staff is supportive of the height modification because the property abuts Office Business zoning at the location of the tallest building. Office Business zoning allows for buildings to be 60 feet in height. Staff is also supportive of setback modifications because of the adjacent Office Business Zoning which allows side setbacks of 10 feet, because of the limitations to development based on the existing infrastructure, and due to the topography of the site and surrounding area.

At a meeting on August 19, 2013, the City of Asheville Technical Review Committee (TRC) reviewed the conditional zoning request and made a positive recommendation (with conditions) that the project be forwarded to the Asheville Planning and Zoning Commission. The developer has modified the submittal since that time, addressing the bulk of the conditions in the TRC report.

As previously noted, at a meeting on August 26, 2013, the City of Asheville Board of Adjustment reviewed the request for a variance to the steep slope regulations with respect to grading and voted unanimously to approve the requested variance. One adjoining property owner was present at that meeting and expressed concerns about lighting and traffic. He has a single-family home on the property although the property is zoned Office Business. The developer has met with the property owner. There have also been some questions from residents of Blake Mountain Estates, mostly about notification. She checked and verified that everyone within 200' of the project should have received the required notification. There was also some concern about the height of Building 600, which is 40 feet. She noted there is a tremendous topography distance between the the proposed Building 600 and the homes in Blake Mountain Estates. She asked the developers for a prospective of what the homes in Blake Mountain Estates would see looking towards Building #600, but they said every time they did a model, it was the tops of trees.

Section 7-7-8(d)(2) of the Unified Development Ordinance (UDO) states that planning staff shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Section 7-16-2. Reviewing boards may consider these criteria; however, they are not bound to act based on whether a request meets all seven standards

**1. That the proposed use or development of the land will not materially endanger the public health or safety.**

The project, if approved, must meet all the technical standards set forth in the City's Unified Development Ordinance and Standards and specifications manual. The developer has been working closely with City staff to ensure compliance.

**2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

In designing this project the developer has moved the majority of the development away from the steeper sloped areas where they propose to restore much of that section of the property to pervious land with reforestation. Restricted by the amount and design of the grading and development already done on the site, they are working to comply as much as possible with the City's steep slope regulations while still achieving higher density development in an area appropriate for such development. They sought, and obtained, a variance for the grading of the site.

**3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

The building location and site amenities shown on the development plan depict a project that should not injure the value of adjoining properties which are mostly zoned for office or commercial development. The proposal pulls most of the development away from the single-family zoned properties.

**4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

The design of the project is compatible with the commercial and office properties adjacent which are heavily developed. The project sits below the single-family homes that adjoin it and there should be substantial topographic and vegetative protection for these properties.

**5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

The proposed use supports the 2025 goals and Council vision as follows:

- ? Supports the goal of pursuing compatible infill development.
- ? Supports the goal of permitting and encouraging transit supportive density along and adjacent to major corridors and logical transit nodes.
- ? Supports the goal of promoting the use of green building techniques.
- ? Supports the goal of permitting more intense development in areas with appropriate infrastructure.
- ? Supports the goal of providing affordable housing.

**6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

The proposed use is located off of a major (five lane) thoroughfare in the City. Transit is available along this corridor. Much infrastructure is already in place for this project.

**7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

The developer has submitted an update to the previously submitted traffic study for the development that has been analyzed and accepted by the City's Traffic Engineer.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable.

Staff recommends approval of this conditional zoning request and the requested modifications and density bonus. The TRC met to discuss this project on August 19, 2013, and recommended it to you with conditions as outlined in the TRC Report.

When Ms. Mathews questioned how the City verifies that all the energy efficiency criteria are put in place because some of them are not visible, Ms. Fields said that they work with the Building Safety inspectors to make sure they know what the City is looking for. She noted that they also have asked for a certification from the developer that they have installed all their energy efficiency criteria. Ms. Mathews suggested adding a base point on things that are quantifiable so the inspector can verify those numbers.

Ms. Carter asked what would be the allowable density today if this project came in as a new application. Ms. Fields said that 109 units would be allowed. Because it meets City goals in terms of greater density, transit supported areas, etc. staff felt they could support the additional density in the less sensitive steep slope area.

When Chairman Cannady asked about the nearest red light, Ms. Fields said that it is located on Walden Ridge Road.

In response to Ms. Mathews, the City's Traffic Engineer Jeff Moore said that even though this is more units than the 2008 project, it's less of an impact. Since a Technical Impact Study (TIA) was required for the 2008 project, he asked for a technical memorandum to discuss the change. The only thing that would be required by a TIA would be a right turn deceleration lane on Hendersonville Road, but there is no right of way to do that. Therefore, they did not require them to do that. Hendersonville Road is a very busy road, but it has coordinated traffic signal systems and is a 5-lane road. He did not see any reason to restrict access of left-turns out or left-turns in. If there were problems at that intersection at some point, he felt the chances of getting a traffic signal by the N.C. Dept. of Transportation (NC DOT) at this level of development would be low. He felt the NC DOT might restrict left-turns if problems occur.

Mr. Barret Hagen, Civil Engineer on the project, pointed out that as it relates to building height (even though they are within the allowable heights for the building closest to the residential), the ground elevation for the lots in Blake Mountain Estates is higher than their roofs.

Regarding the sustainability issues raised by Ms. Mathews, Mr. Hagen said that they will talk with their architect about their ability to define some of the parameters before the project goes to City Council for review. In addition, their architect routinely performs inspections and can provide a signed and sealed letter at the end of the project.

Chairman Cannady opened the public hearing at 5:39 p.m.

Ms. Vivian Snyder, one of the adjoining neighbors in Blake Mountain Estates, said that Blake Mountain Estates residents do look down into the project area of the cul-de-sacs and the proposed Building #600. They met with the 2008 developer and because they said the area would be single-family homes comparable to their homes, then they did not object to that project. She didn't object to what is happening closer to Hendersonville Road, but did object to the high rise apartment complex (Building #600) right in her back yard. She did receive the notice and tried to reach the developer from their website, but there was no phone number.

Ms. Fields noted that Building #600 does not require a variance to density or height.

Ms. Carter asked if this were not a modification and a new project, could that type of building (#600) be built where it is presently located. Ms. Fields said the property is currently zoned RM-16/CZ. The original zoning where Building #600 is located would have allowed a multi-family apartment building 40-feet in height, but she did not think it would have allowed 24 units. She said that if a conditional zoning is not acted upon with the time period which it is valid for (which is two years), then the Planning Director can initiate a zoning to some other zoning classification.

Mr. Hagan said that Building #600 is a straight 3-story building with parking in the front of the building.

Mr. Kevin Jackson said that he recently acquired a Phase II of Blake Mountain Estates which includes two back lots, one of which adjoins the property overlooking an existing cul-de-sac on the developer's property. He noted that there is a direct view (no tree tops) looking towards Hendersonville Road, and this is a huge negative impact on his property values. He closed on that property a few months ago based on the 2008 design. Now it changes his ability to re-sell his lots. He preferred to see single family homes instead of the multi-family apartment complex. He also asked to be provided a copy of the ordinance when the 2008 project was approved by City Council. In addition, he asked for clarification of the 2008 design being an alternative

lifestyle. He also asked for a continuance of the public hearing because he said the President of the Blake Mountain Estates Neighborhood Homeowners Association was not notified.

Ms. Fields responded that everyone with 200 feet from the property were properly notified from the records of the Buncombe County. Planning staff also makes an attempt to send notification to homeowner associations if they are on record with the City's Neighborhood Coordinator. She also noted that if anyone wanted to make contact with the developer could have contacted her from the information on the notification letter.

Chairman Cannady closed the public hearing at 5:53 p.m.

Ms. Fields responded to Mr. Jackson by saying that there is vegetation between the two properties, but whether it's enough to block Building #600 is hard for her to assess. There is also a requirement that the developer do "tree save" on this project per the ordinance. If there are not enough trees, in terms of the diameter and number of trees, to meet the tree save requirements in addition to any other landscaping requirements, they will have to put back in trees and vegetation. Most of the time with tree save, City staff waits until they finish grading and some footing and then staff actually visits the site. The developer will have to do a survey of what they want credit for and then staff evaluates it to determine what, if any, they will have to plant back.

Ms. Fields also responded to Mr. Jackson that the conditions for the approved 2008 project (which she would be happy to furnish Mr. Jackson), will have to be re-worked in light of this particular project, since this is an amendment. In addition, she said the 2008 concept of Carefree Village was going to be marketed to gay and lesbian individuals. It is not an issue for City staff on how someone markets their project.

In response to Mr. Edmonds, Ms. Fields reviewed the 2008 proposal, noting the property where Building #600 is proposed was a mix of single-family, duplex and a two-story quadruplex. There were a total of 24 units. In every instance, City staff told the developer that staff would not support an increase in density on the Zone B portion of the property.

Mr. Edmonds said that basically this current amendment has the same number of dwelling units as the 2008 proposal, but is different configuration and the current amendment contains more trees.

In response to Mr. Edmonds, Mr. Hagan noted that he has not studied the 2008 Carefree project, but from the topography standpoint, the overall building height from what the Blake Mountain Estate residents will see is probably comparable to what they would have seen from the 2008 project. He noted that they are removing the two cul-de-sacs proposed from the 2008 project and re-foresting them for their amenities. He explained the residents in Blake Mountain Estate who are closest to Building #600 will very likely have their ground floor elevation above their roof line.

When Ms. Mathews asked about community outreach by the developer to the neighborhood, Ms. Fields said that the developer did meet with the people who came to the Board of Adjustment meeting and felt certain that the developer will meet with these residents as well. She reiterated that everyone with 200 feet from the property were properly noticed from the records of the Buncombe County.

Mr. Hagan said that they will be happy to meet with the neighborhood to address any concerns; however, they are not in favor of a continuance.

Chairman Cannady understood Mr. Jackson's concern and whatever the outcome, he hoped between now and the time this is scheduled before City Council that the developer meet with the neighbors to help mitigate their concerns. Personally he felt Building #600 was too tall and could support a two-story building instead of a three-story one.

Mr. Edmonds said that there appears to be less of an impact with the current modification than with the 2008 project, i.e., less disturbance of the slopes. He felt it would be helpful for the developer to meet with the neighbors, but would not support it as a condition so as to slow down the timetable it would be reviewed by City Council.

Ms. Mathews said that the 2008 project was a lower scale project. Personally, she felt this is a radical departure of an approved plan. When she thinks of modifications, she thinks of slight modifications, not substantial modifications. She had no problem with the majority of the project near Hendersonville Road and the project has a lot of good attributes, but felt there should have been discussion with the neighbors near Building #600. She appreciated the open space, but again, this is a different housing type. She suggested Building #600 be broken up into clusters to minimize the mass of the building.

Ms. Carter felt that in the future the Commission should have a policy discussion on what constitutes a modification, because she felt this should have been coming in as a new project, not a modification of a previously approved conditional zoning. She understands that Mr. Jackson bought the land in Blake Mountain Estates for single-family development and now there is a multi-family project in front of them. However, she suggested Mr. Jackson look at the research and note that not as many people are looking at multi-family housing as poorly has they have in the past. Both in generational and market shifts, not everyone can be a homeowner and it's becoming more socially acceptable to live in multi-family housing. She also supported the developer meeting with the neighborhood, and stated that the size of Building #600 is too large.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Mr. Edmonds moved to approve the amendment to the conditional zoning of Carefree Asheville located at 1903 Hendersonville Road to include a change in housing type and building footprints, a change in the internal road network, and an increase in the number of residential units, including modifications for setback and height, subject to the following conditions: (1) The project shall comply with all conditions outlined in the TRC staff report; (2) All site lighting must comply with the City's Lighting Ordinance and be equipped with 90 degree cut-off fixtures and directed away from adjoining properties and streets; (3) All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans; (4) The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards; and (5) This project will undergo final review by the TRC prior to issuance of any required permits. This motion was seconded by Chairman Cannady.

The motion made by Mr. Edmonds and seconded by Chairman Cannady failed on a 1-3 votes, with Mr. Edmonds voting "yes" and Chairman Cannady, Ms. Carter and Ms. Mathews voting "no." The project will be heard by City Council with a negative recommendation by the Planning & Zoning Commission.

Mr. Edmonds felt they could increase the footprint of Building #600 by reducing it to two stories and adding another 2-story building right beside it.

**(3) Ordinance amending Section 7-11-4 (c) of Chapter 7 of the Code of Ordinances to review open space requirements for industrial projects.**

Director of Planning & Development Judy Daniel said that this report proposes changes to the open space requirements for industrial development in industrial zones. As noted in the initial staff report in June that proposed change to process and open space requirements, the impetus for these proposed changes came from recent questions regarding potential industrial sites. Staff came to believe that the process regulations for site plans or industrial uses were



confusing and the open space requirements were too restrictive for industrial uses in industrially related zoning districts and they should be differentiated from the open space requirements for suburban style office and commercial development.

The staff introduced these proposals to the Planning and Zoning Commission at the June 5, 2013, meeting and the Commission recommended approval for the process changes and requested additional input on the open space standards from the SACEE Committee. Subsequently, the City Council approved the process change recommendations.

At the June meeting the Commission was generally supportive of the intent for the changes to the open space requirements, but requested thoughts from the SACEE Committee regarding whether the reductions proposed for the industrial uses should be related to environmental offsets such as green roofs or environmentally sustainable parking lot standards. Their concerns related to the heat island impacts of industrial uses which usually have large flat roofs and large surface parking lots.

Staff attended the SACEE Committee on June 19 for a discussion of these concerns, balanced against the economic development concerns regarding the current standards. Like the Commission, members of SACEE were somewhat divided in their thoughts on this issue and provided a range of comments; but no specific recommendations. Although they did not comment specifically on the thoughts expressed by the Commission, their thoughts included:

- ? They reinforced the clear benefit for the landscaping and plants requirements that projects must meet, but shared a concern that open space requirements could expand or encourage sprawl due to the additional land area it requires.
- ? They noted that while open space can have a clear purpose for residential projects or may be beneficial as passive green space for offices or retail area; open space has a less defined purpose for large scale industrial uses.
- ? They noted that both denser infill development patterns and job creation are identified as Council goals.
- ? They noted that open space can sometimes become a security issue when placed on the rear of a parcel (a not unusual situation), hidden from view; and could thus create unintended problems.
- ? They noted that the open space requirement for industrial businesses, which are especially valued as job creators, adds to the cost of doing business in Asheville.
- ? There was general support (but not via a vote) for reducing the requirement to 5%, and retaining the use of a fee-in-lieu option for developments that cannot reach that standard on their site.
- ? They seemed to feel that because of these concerns, the requirements for other types of commercial development should also be reconsidered.

As previously noted, the proposed change to Sec. 7-11-4-c modifies the required open space standards to reflect a different standard for industrially related uses as opposed to suburban style commercial and residential uses. Currently all nonresidential projects must reserve 15% of the project area for open space. That standard is not unusual for an office park, a school or church, a multi-family development, or a shopping center. Staff believes that it is unusual, or at least unusually high for an industrial use, especially when that use is in a zoning district which allows industrial uses.

The staff continues to believe a reduced open space standard for industrial uses is appropriate. Like the CBD, where this requirement is also exempted, the purpose of an industrial use in an industrial zone is more specialized in intent than residential and suburban type development. Also, there are other UDO requirements that satisfy many of the same goals as the open space requirement, and have a better defined impact or benefit, including:

- ? Parking lot landscaping (cooling and shading parking areas)
- ? Street tree requirements (establishing a streetscape at the street-side of the property)
- ? Landscaped property line buffers (screening residential areas from commercial use areas)
- ? Building impact landscaping (additional plantings required based on the scale of the building)
- ? Stream buffers (where applicable – providing protection from siltation, runoff, and flooding)
- ? Stormwater runoff requirements (water quality improvement and protection)

Staff has observed that, especially for industrial development, the open space proposed is often on the least buildable portion of residual space on the property. Further, staff believes that the public (and workers) do not generally look to industrial development to fulfill open spaces needs, so these areas are largely unused (unlike open space in residential developments). Because of these other requirements for developed sites, and because of the intent of the industrial zones to primarily be job generators (thus meeting other community goals), staff recommends approval of the modifications to this section.

(c). Open space requirement.

Zoning District	Required Open Space
<p>All other districts, including URD  <u>(except as otherwise noted for the: CBD, Industrial, Commercial Industrial)</u></p> <p><del>(NOTE: CBD are exempt from these requirements.)</del></p>	<p>5% of lot area for development that primarily includes urban open space amenities.</p> <p>15% of lot area for development that primarily includes suburban open space amenities</p> <p><u>5% of lot area for industrial uses (as noted in the Table of Uses) in Commercial Industrial district</u></p> <p><u>No open space requirements: CBD and Industrial district</u></p>

Ms. Mathews said that she was not made aware of the SACEE meeting at which this was discussed, but obtained a copy of the minutes from the Chief Sustainability Officer. Those minutes clearly read, in part, that SACEE asked that the Planning Department's proposal to be refined based on their discussion and suggestions and to bring it back to their next meeting. She questioned if that happened because she was looking for their feedback, especially on the heat island effect issue. She was looking for fairness where it's a community and developer benefit. Ms. Daniel said that Urban Planner Alan Glines was the planner who attended the SACEE meeting and at this time he has not reported back to them. He did state that SACEE wanted more information and to have a broader discussion on open space for commercial development, but that was not the subject of this text amendment. Therefore, he felt it would be worthwhile for the Planning staff to keep the industrial piece moving forward.

Ms. Daniel responded to Ms. Carter when she questioned why Planning staff picked 5% for the required open space requirement.

Ms. Mathews said that developers can do a lot of things creatively and that there is a benefit to reducing heat island effect. You can do it sometimes with the architecture or you can do it with a fee in lieu of and have open space someplace else. She did not supporting open space requirements without some quid pro quo to the community because it really will affect the community. She did not see anything in the SACEE minutes that reflect the 5% required open space requirement discussion; however, she did acknowledge that they were summary minutes. She would have to vote against the amendment because we do benefit from other people's input and SACEE requested the proposal be refined and brought back to them, based on their suggestions.

When Ms. Carter asked for a map of what industrial space we have in the City, Ms. Daniel said that the City has very few sites, but she will have Mr. Blake Esselstyn send her a map.

Ms. Daniel responded to Ms. Carter when she asked what the buffer zones were for industrial districts.

Chairman Cannady opened the public hearing at 6:52 p.m.

Mr. Mike Plemmons, representing the Council of Independent Business Owners, urged the Commission to approve the amendment because (1) you have excellent Planning staff that is recommended it; (2) we don't have much industrial zoning; and (3) industrial recruitment is very important.

Chairman Cannady closed the public hearing at 6:54 p.m.

Ms. Mathews moved to send the proposal back to SACEE with their SACEE's suggestions for further input and then bring it back to the Planning & Zoning Commission. Due to a lack of a second, the motion failed.

Ms. Carter was not in support of no open space requirement and felt that 5% for industrial is reasonable.

Finding that the request is reasonable and consistent with the Comprehensive Plan and other adopted plans, and based on information provided in the staff report and as stated in the staff recommendation, Ms. Carter moved to recommend approval of amending Section 7-11-4 (c) of the Code of Ordinances to review open space requirements for industrial projects. This motion was seconded by Mr. Edmonds and failed on a 2-2 vote, with Chairman Cannady and Mr. Edmonds voting "yes" and Ms. Carter and Ms. Mathews voting "no"

Ms. Mathews agreed that Planning staff does do a good job but in this case another committee was looking to staff for more input.

Ms. Daniel said that Planning staff will attempt to get clarification from SACEE before the item is before City Council with their negative recommendation.

### **Other Business**

Chairman Cannady announced (1) the next formal meeting on October 2, 2013, at 5:00 p.m. in the First Floor Conference Room in the City Hall Building; and (2) a special mid-month meeting on October 15, 2013, at 11:00 a.m. in the First Floor North Conference Room of City Hall.

**Adjournment**

At 7:00 p.m., Ms. Mathews moved to adjourn the meeting. This motion was seconded by Mr. Edmonds and carried unanimously on a 4-0 vote.